

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WENDY CHAN,)	
)	
Plaintiff)	
)	
vs.)	
)	
COUNTY OF LANCASTER;)	
DENNIS STUCKEY;)	
SCOTT MARTIN;)	Civil Action
CRAIG LEHMAN;)	No. 10-cv-03424
CHARLES E. DOUTS, JR.; and)	
ANDREA McCUE,)	
)	
Defendants)	

O R D E R

NOW, this 28th day of September, 2012, upon
consideration of the following documents:

- (1) Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint, which motion was filed on October 31, 2011 (Document 28), together with
 - (A) Brief in Support of Defendants' Motion to Dismiss Second Amended Complaint (Document 29) ("Defendants' Brief");
- (2) Plaintiff's Response in Opposition to Defendants' Motion to Dismiss in Part Plaintiff's Second Amended Complaint and in the Alternative, Motion for Leave to File Amended Pleadings, which response and alternative motion was filed on November 17, 2011 (Document 30) ("Plaintiff's Response"), together with
 - (A) Plaintiff's Memorandum in Support of Plaintiff's Response in Opposition to Defendants' Third Motion to Dismiss in Part Plaintiff's Second Amended Complaint and in the Alternative, Plaintiff's Motion for Leave to File Amended Pleading (Document 30-1) ("Plaintiff's Memorandum"); and

- (B) [Proposed] Third Amended Complaint (Document 30-5), with Exhibits A-F (Documents 30-6 through 30-11, respectively);
- (3) Response in Opposition to Plaintiff's Motion For Leave to File Amended Pleading, which response was filed on November 29, 2011 (Document 31); and
- (4) Second Amended Complaint filed October 17, 2011 (Document 27);

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendant's Motion to Dismiss Plaintiff's Amended Complaint is granted in part and denied in part.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss is granted to the extent that it seeks to dismiss plaintiff's section 1983 procedural due process claim in Count I.

IT IS FURTHER ORDERED that plaintiff's procedural due process claim in Count I of the Second Amended Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED the Defendants' Motion to Dismiss is granted to the extent that it seeks to dismiss plaintiff's section 1983 conspiracy claim in Count I of the Second Amended Complaint.

IT IS FURTHER ORDERED that plaintiff's section 1983 conspiracy claim in Count I of the Second Amended Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that defendant's Motion to Dismiss is denied to the extent that it seeks dismissal of plaintiff's disability discrimination claims under the Americans with Disabilities Act, in Count III, and Under the Pennsylvania Human Relations Act, In Count IV.

IT IS FURTHER ORDERED that plaintiff's alternative motion for leave to file a third amended complaint is denied.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge